LAND USE and MANAGEMENT PLAN for the TOWN OF IPSWICH CONSERVATION LAND

at 275 Linebrook Road, Ipswich, Massachusetts Known as

Linebrook Woods Conservation Area Assessors' Map 28C Lot No. 54 77.56 acres

> Adopted: October 4, 2006 Effective: October 4, 2006

Adopted by the Ipswich Conservation Commission With concurrence of: Ipswich Board of Selectman

And with public comments by Members of the Ipswich Public Community at an advertised public hearing held on August 7, 2006

I. Introduction and Purpose

A. Site Description

The parcel of public land at 275 Linebrook Road is a 77.56 acre parcel under the formal care, custody and control of the Conservation Commission pursuant to the March 3, 1975 Annual Town Meeting, via vote under Article 22. The parcel contains the following beneficial aspects/qualities::

- 1. Contains an interior trail connecting link of the Bay Circuit Trail that connects northerly into the Ipswich Country Club, then continues up into Rowley and connects southerly into the Willowdale State Forest; and
- 2. Provides "core wildlife habitat" as designated by the MNHESP; and
- 3. Is partly within the Ipswich Surface Water Supply Protection District Zone A and Ground Water Protection District Zone II; and
- 4. Contains surface water intermittently draining into an unnamed intermittent tributary stream and ultimately flowing (via Bull Brook) into the public drinking water supply source at Bull Brook Reservoir); and
- 5. Sustains agricultural use by having a portion of the property leased on long-term lease arrangements to an adjacent landowner, who cultivates two fields for agricultural row crop purposes; and
- 6. Maintains vistas/wooded areas important to the aesthetic rural scenery and character of the area and of the Town; and
- 7. Maintains the continuous integrity of a contiguous regional greenway of over 3,000 acres (see attached map) including Willowdale State Forest directly across Linebrook Road, and other protected and unprotected open space; thus adding an important linking component to contiguous open space, serving as both a benefit to the public and affording protection to wildlife and wildlife movements.

This parcel is mostly wooded and contains a variety of habitat types including an extensive network of wooded freshwater wetlands more specifically described as red maple swamp, complemented by both deciduous and evergreen upland forest and agricultural fields. The biodiversity of this property is high, given the occurrence of both softwood and hardwood uplands, a spectrum of undergrowth varying from dense to open areas of understory in the shrub layer, significant edge habitat within wooded areas and at the proximate agricultural field "edge," other habitat "edges" from uplands to wetlands, as well as the red maple swamp that includes a certified vernal pool within bordering vegetated wetlands. The property also contains intermittent streams. The result is a diverse edge habitat supporting many indigenous species of wildlife and plants. All of this habitat, combined with the varying terrain of hilly uplands to wet lowlands and farmed fields, constitutes a rich mix of wild/agricultural area that greatly benefits wildlife and plants, as well as preserving such beneficial areas for the use and enjoyment of current and future generations of the public. The wetland ponding areas and intermittent brooks add greatly to the overall biodiversity. This transition-zone forest provides important habitat for neo-tropical songbirds that nest here every spring and summer, including thrushes, warblers, grosbeaks, orioles and finches. Canada geese frequent the agricultural field areas. In addition to providing drainage that ultimately contributes to the Bull Brook Reservoir, the parcel also falls partly within the Town of Inswich Water Supply (overlay) District Zone A and Zone II, and is entirely within the Surface Water Protection Zone C. Its frontage on Linebrook Road provides good visibility, with official public access to the property over an easement from Marini Farms that runs just to the northeast of

the parcel frontage on Linebrook Road, over land of Marini Farms running adjacent to (and westerly of) the Marini Farm irrigation pond. There are no structures on the site except for wetlands bridges to be constructed in the near future for the Bay Circuit Trail, which are to be installed pursuant to specific and strict approvals granted to that entity for the creation of a formal trail through the parcel, as is further addressed elsewhere herein. An agricultural field on the frontage of the property and one just to the north of the farm pond are leased to the adjacent farmer for agricultural purposes on a long-term arrangement.

B. Ownership Background

Article 22 of the Annual Town meeting held March 3, 1975 moved that the Town raise and appropriate a sum of money to purchase for conservation purposes, a certain parcel of land owned by Vincent M. Marini and Gina Marini, now known as the Linebrook Woods Conservation Area. The Article was recommended by the Board of Selectman and unanimously approved by the Finance Committee and the Planning Board, with one abstention, and the motion carried on the floor. The property transfer was finalized in 1977 when the Town acquired the property from the Marini family, the adjacent landowners, as part of a family process of dividing the Marini land holdings among heirs. The deed was recorded at the Essex County Registry of Deeds at Book 6359, Page 040. The property was assigned to the care, custody and control of the Ipswich Conservation Commission at that time. The property was protected against conversion to any other use, or from disposal by the Town, through (a) designation by the Town as Conservation Land per the assignment to the Conservation Commission, and (b) the provisions of Article 97 of the Mass. Constitution.

C. Designation of Formal Name of Parcel

This parcel is herein formally designated by the Conservation Commission as the "Linebrook Woods Conservation Area".

D. Ownership and Management Objectives

The Linebrook Woods Conservation Area is to be owned and maintained in perpetuity by the Town as open space and conservation land, under the care, custody and control of the Ipswich Conservation Commission, and with agricultural use limited to an area of approximately 10 acres, which is set to continue for at least the next decade from the date of signing under a long term renewable agricultural lease agreement with Marini Farms. The land is protected for the purposes of natural resource protection, providing passive outdoor recreation, preserving wildlife habitat, maintaining scenic vistas, and supporting agricultural activity in Ipswich. Uses and activities consistent with these objectives and commitments will be permitted; all those not consistent will be prohibited as specified in more detail below. There will be no discrimination among users based on race, color, national origin, religion, disability, age or sex, nor other legally designated "suspect class."

This Land Use and Management Plan is intended to preserve the existing character of the property as public use land, while maintaining its value to the Town's public water supply, its value for diverse habitat types, and its current limited agricultural use. Active management to support these objectives is intended and anticipated. The management activities and usage restraints that will be undertaken and enforced are those necessary to (a) protect the natural resources and their effect on water quality, (b) maintain the wetlands and woods in their present locations and forms (i.e., clean, undamaged and as free as practicable from invasive or adverse vegetative species), and (c) continue the Town's support of agriculture on portions of the property currently relegated to that use. Public access will be provided from Linebrook Road through the trail easement over Marini Farms property adjacent to this parcel and located to the west of the Marini farm pond, and, on the other end, from the Bay Circuit Trail connection at the Ipswich Country Club situate in the

northeast corner of this parcel, with formal access consisting of a new trail with signage and wetlands crossing boardwalk structures constructed to specifications safely suitable for all permitted uses. The trail with boardwalks have already been approved by the Conservation Commission in an Order of Conditions issued under the Massachusetts Wetlands Protection Act ("WPA") and under the Ipswich Wetlands Protection Bylaw, which state law permit (not the Bylaw permit) was appealed and subsequently re-approved in a Superceding Order of Conditions ("SOC") issued by the Massachusetts Department-of Environmental Protection-Northeast Regional Office for the WPA permit aspect of the approval. Thus both permits control, the WPA/SOC and the local Bylaw OOC. For reference purposes the file number of both permits is IPS/DEP #36-851. Both permits contain perpetual conditions regarding allowed trail maintenance elements. Both permits are three year permits for the construction elements, expiring thereafter unless extended by the respective authorities for good cause upon application of the Bay Circuit Trail Committee. Thereafter, only the perpetual conditions will apply, which the Commission shall administer pursuant to its role as formal property administrator.

E. Management Oversight and Advice/Stewardship Committee

The Linebrook Woods Conservation Area is under the direct administrative control and supervision of the Ipswich Conservation Commission or of its successor agency if any should manifest through action of law (hereafter collectively referred to as "the Commission"). The Commission shall be responsible for its care and supervision of the parcel in all regards, and shall exercise all management oversight. The Commission may seek or consider the input of various Town officials and departments, including but not limited to the Town Departments of: Public Works, Parks & Cemetery, Utilities/Water Dept. and Public Safety. To the extent possible and if requested by the Commission, those departments will assist the Commission in its duties, as may be appropriate to their respective interests and responsibilities within the Town's government. A Stewardship Committee for the property may be established by the Commission, to serve in an advisory capacity only to the Commission, but the Commission shall not delegate direct final decision making authority to any such Committee. The Commission shall determine a reasonable number and makeup of members, to enable the advisory Committee to function in its role. If one is formed by the Commission, the Committee may initially consist of a member of the Conservation Commission, and a reasonable mix of representatives of the above Departments, interested citizens, a member of the Ipswich Bay Circuit Trail Committee, and a member of the Ipswich Open Space Committee. The Conservation Agent and Open Space Stewardship Coordinator will serve only as advisors to the Committee as necessary, but shall not serve upon it unless the Commission directly appoints either to that service. This group, if formed, will officially meet not less than once annually and otherwise as needed, but it shall meet at the call of any simple majority of the Conservation Commission, or at the call of the Conservation Commission Chair or Vice Chair, or at the call of the Committee Chair or Vice Chair, or at the call of any authorized designated Town employee empowered by law to convene the Committee. The Committee's duties shall include consideration of the condition and use of the property, of any new or persisting problems thereon, including to assess any routine or special maintenance or cleanup efforts that may be needed, and to consider and propose any changes/additions/deletions to the Management Plan as may be recommended by any legitimate source, or as may become evident by usage patterns and/or problem occurrences. In the event any maintenance is needed, the Committee shall endeavor to arrange with the local or regional Bay Circuit Trail Committee and/or other interested qualified groups, individuals or organizations, to organize the effort to conduct such maintenance, then to obtain any regulatory wetland approvals (if applicable) from the Commission to conduct it, and to obtain the administrative approval of the Commission to conduct it; as well as obtain any and all other necessary permits or permissions of other regulatory authorities (if any, as may be applicable) to conduct it. When all such approvals are in place, the Committee or its contractors or

partners in maintenance efforts shall then conduct said routine or special maintenance or cleanup efforts.

II. Usage of the Property

A. Overview

The guiding principle and purpose of the Land Use and Management Plan for the Linebrook Woods Conservation Area is to preserve the property and its characteristics for natural resource protection, sustaining agricultural practices, the future enjoyment of the public and the benefit of wildlife. Its beauty and quiet rural character, the peace that can be found there, its value as habitat and its use in the support of agricultural practices and maintaining clean public water supplies are the assets to be protected.

B. Permitted Uses

The property will be open from sunrise to sunset. Passive, non-motorized recreational activities in the area are allowed. These consist of wildlife observation, vista enjoyment, photography and, on the designated trail: walking, jogging, cross-country skiing, snowshoeing, biking/mountain-biking and horseback riding. Notwithstanding the prohibition on motorized and motor-assisted vehicles below, the use of wheelchairs and/or non-recreational carts by physically-challenged persons is expressly permitted to the extent the area is accessible to such uses. Dogs must be leashed and dog owners must remove dog waste from the premises and properly dispose of it offsite, pursuant to the Town of Ipswich Dog Control/Dog Waste Bylaw. Failure to remove dog droppings may be cause for the Commission to declare a general prohibition of any entry onto this property by those animals, notwithstanding any inability to prove who is committing violations.

C. Prohibited Uses

The property is closed from sunset to sunrise. During closure time, only duly authorized patrol persons may be present on the property, or, with respect to the agricultural operations, duly authorized workers of Marini Farms. During closure times access to, presence upon, and use of the property for passage or any other purpose between the hours of sunset and sunrise by any other persons is strictly prohibited. Hunting is prohibited at any time for the entire parcel due to its configuration in proximity to both offsite residences and structures and to roads. The property is legally posted against all forms of hunting. Fires and camping are not permitted. Possession and/or consumption of alcoholic beverages on the property is prohibited. Littering, the placement of refuse or waste of any kind on the property, the damaging or removal of vegetation or of signs, walls, and fences, are all prohibited. Visitors must carry out all articles carried in, including trash.

Motorized and motor-assisted vehicles and other powered equipment, including but not limited to cars, trucks, motorcycles, all-terrain vehicles (ATVs), off-road vehicles (ORVs), snowmobiles and any other motorized recreational or non-recreational vehicles are prohibited. This prohibition does not apply to governmental agencies duly authorized by law or by the Commission to enter in such vehicles for the purpose of property maintenance/inspections and/or for the purposes of patrol, rescue, fire-control and/or other public safety emergencies as may be legitimately conducted by the Ipswich Department of Public Safety or other authorized public safety entity, and/or such inspections and patrols conducted by the Ipswich Conservation Commission/Department; nor does it apply to agricultural activities on the leased portions of the parcel.

D. Precautions and Warnings

1) Ticks, with the accompanying risk of contraction of Lyme Disease, are present in all vegetated areas in this region, and the property at 275 Linebrook Road is no exception. Signage may be

displayed at the site entrances alerting users to the Lyme Disease risk, and warning that use of the property is solely at the risk of the user.

- 2) Mosquitoes of various species are present as well and may carry diseases associated with any of those species.
- 3) Poison ivy is also present on the property in various locations, as are brambles and other vegetation that can cause injury or unpleasantness if not carefully avoided or promptly treated if contacted. Users should be aware of what the plants look like in their various stages, and should take every precaution to avoid contact.
- 4) Ground nesting bees have been observed near the proposed trail area in the westerly section of the site, nearest the upper agricultural field. Users are cautioned of that presence.
- 5) Wetlands on the property are protected against entry except for carefully planned vernal pool studies as may be duly authorized by the Commission.
- 6) All users should stay on the designated trail and use boardwalk wetland crossings, to minimize damages to the important natural resource values on this site.
- 7) Users are advised (and signage will reflect) that there may be occasions in which nonequestrian users may encounter users on horseback. In all such instances except for at boardwalk crossings per below, the non-equestrian users on the trail will yield the trail to the equestrians on the trail, due to it being more practicable for a non-equestrian to move off the trail without causing excess damages or spooking a horse than it is for a horse to step off the trail. If two equestrians traveling the trail in opposite directions shall meet upon it, then the one on the wider trail section shall move their mount to the edge of the trail and yield the trail to the other rider for safe passage. HOWEVER, at any boardwalk crossing, the "rules of the road" protocols in this respect shall be that the user (whether equestrian or non-equestrian) entering upon or about to enter upon any end of any boardwalk before another approaching user more distant, shall have the right to cross first and the other user, whether equestrian or non-equestrian, shall halt their progress upon the trail awaiting the first user to complete their crossing. Thereafter, as the two users meet upon the other side of the crossing upon the trail, the non-equestrian user shall yield the trail and move off to the side of the trail to allow the equestrian to pass. This "rule of the road" is not meant to favor equestrians, but only to recognize the impracticality, if not unsafe element, of requiring a horse and rider to step off to the side of the trail into ungroomed areas of underbrush and such, where much overhead open space is needed to do so safely. A non-equestrian may more easily do that and do it more safely and with less inconvenience and potential hazard than an equestrian.

III. Maintenance of the Property

A. Maintenance Activities

The Conservation Commission has ultimate responsibility for all maintenance aspects, projects, efforts and needs on any location upon this property. With respect to that, it defers to Marini Farms as to any limited specific farm maintenance needs for the existing tillage field areas that are located solely upon the agricultural use areas in approved farm field locations under the current agricultural lease. Any maintenance of the trail or the boardwalks shall be pre-approved by the Commission, unless this Management Plan or any of the perpetual conditions in effect under the state and/or local wetlands permits allow differently. In any event, notice of such maintenance shall ALWAYS be given to the Commission in writing in advance, detailing start and end dates, nature of work, party conducting work, scope of work, exact location of work, materials to be used, protections of resource areas as is necessary, and a list of contact person(s) with phone numbers and addresses.

Pursuant to these approval strictures, the access trail and the associated wetland crossing structures along the trail that are in place to accommodate user passage will be maintained as needed by the local or regional Bay Circuit Trail Committee, and/or by the Essex Country Trail Association,

and/or by other qualified entities designated by the Commission as it deems best, and/or by the Town of Ipswich as it may desire to participate in such maintenance, any and all with the prerequisite concurrence/approval of the Conservation Commission. Any party responsible for such maintenance may, with the advance concurrence of the Commission, propose a qualified approved designee person or entity to conduct that work on its behalf. If usage increases to the extent that wear and erosion of the trail or crossings becomes a problem, management options to be considered may include properly approved changes to trail locations, to walkway structures or surfaces, and/or identification and limitation of uses found to be causing the most wear or other problems.

No forestry management practices are currently planned, however there may be a time in the future when the Conservation Commission may approve such practices in its sole discretion, and if so, to be applied to the site by professional foresters in approved forestry management practices as warranted. Vehicle exclusion barriers may be installed at the Commission's discretion, if warranted. Necessary signage will be installed, maintained or restored as needed. All signage is subject to the advance approval of the Commission, including size, color, material, wording, content, location and manner of installation. With respect to the tillage areas, the Commission will seek the input of Marini Farms so that signage decisions do not interfere with farming operations.

B. Responsibility for Ordinary Maintenance

The Town, through the Conservation Commission, has ultimate responsibility for maintenance of the property as stated above. The Commission will exercise oversight of that maintenance. The Ipswich Bay Circuit Trail Committee has agreed to assist with maintenance as a quid pro quo for obtaining the original approval of the trail connection to its system of trails elsewhere in Town and in this region. In this regard, the Ipswich Bay Circuit Trail Committee, or its regional affiliate, may partner with the Town or other approved parties to ensure that any conflicts between equestrian uses and pedestrian uses are adequately addressed through signage and protocols. The Town or designated maintenance groups may also solicit voluntary contributions of services or materials by landscapers or others, or the support of other interested persons or entities (in a manner similar to local support of roadway maintenance), for the conduct of necessary or routine maintenance on the property. That process may involve using Open Space, Water Supply and Recreation Fund monies or other grant or contributed funds, materials or services, as needed, as allowed and as available.

C. Responsibility for Extraordinary or Unusual Maintenance

Extraordinary or unusual maintenance (e.g., restoration of damaged or obliterated bridges or trails, remediation of erosion, replacement or repair of signs, barriers or other features, resurfacing of parking areas (if any), control of invasive species), will be the responsibility of the Town of Ipswich Bay Circuit Trail Committee or its maintenance partners, and may be conducted as and when deemed necessary but only as approved by the Conservation Commission and/or its designees should it empower any. The Committee and/or Commission will seek out the assistance of the Town Departments of Public Works, Parks and Cemeteries and/or Utilities in order to undertake a review of these necessities and may involve those departments to assist with conducting them.

D. Maintenance by Town as Necessary

Nothing in this Plan is intended to limit or constrain the Town of Ipswich or the Conservation Commission from conducting any and all necessary maintenance on any portion of this property that may need to be done; in the event it is not done by the Bay Circuit Trail Committee or other maintenance partners. Should that process be invoked by the Town or Commission, that process

may involve using budget fund monies, Open Space, Water Supply and Recreation Fund monies or other grant or contributed funds, materials or services, as needed, as allowed and as available.

IV. Parking

Limited parking is available on the south side of Linebrook Road on State land across the street from the Marini farm pond. Parking is prohibited on this parcel and upon adjoining Marini Farm land, and along Linebrook Road. These strictures are in place because the trail easement over Marini land is for pedestrian/equestrian passage only, not for vehicular parking, and such use MUST not interfere with the farming operations in any way.

V. Universal Access and Access by Persons with Disabilities

No alteration of the current condition or state of the property (other than trail creation and boardwalk crossing construction) is contemplated, with regard to the use and access to the property to physically challenged persons. Existing trails will remain as contemplated and approved in the authorized location and in the future as-constructed condition, as is authorized in the Superceding Orders of Conditions issued by MADEP for this site, and as stated in the Ipswich Wetlands Bylaw original Order of Conditions issued by the Commission, unless it is determined by the Commission and other applicable authorities, if any, that trail relocation or elimination is required consistent with the purposes for which the property is managed.

VI. Signage

If resources allow, an information sign will be placed at the Linebrook Road access point, as well as at the Ipswich Country Club access point, and will list permitted and prohibited hours of access and activities. Additional small signs may be placed along the trail at wetland boundaries prohibiting access to them, and at the rear of the Marini Farm parcel informing users of its boundaries and requesting respect for the adjacent private property, its owners and for ongoing farming operations. The property has been posted for no hunting.

VII. Enforcement and Public Safety

The Ipswich Police Department will provide surveillance of the property and will enforce the posted rules as appropriate. Conservation, Open Space and Ipswich Bay Circuit Trail Committee personnel, as well as designated volunteer land stewards, if any, will provide supplemental property inspection oversight, as time and resources permit.

VIII. Conformance with Existing Regulations

On July 29, 2002 the Town of Ipswich adopted regulations governing the use of Town-owned land, which are set forth in a document entitled "Town of Ipswich, Massachusetts, Regulations on the Use of Unimproved Town Lands" which is attached and made part hereof, except insofar as it alters the hunting prohibition on this parcel, which prohibition is specific to this unique parcel and supercedes the general Town Land usage regulations. Also attached is the document entitled "Town of Ipswich Use of Town Land Regulations" (11/01/79, as amended 8/1/02), which is also made part hereof, excepting insofar as it alters the hunting prohibitions on this parcel for the same reasons. Except as otherwise specifically stated herein, or hereafter amended by the Commission, the property at 275 Linebrook Road shall be subject to all of those regulations, to this Management Plan, to any perpetual conditions of either the WPA SOC or Bylaw OOC, to any rules set for this parcel by the Commission

or to any additional regulations the Commission may institute for this parcel or for any group of parcels under its care, custody and control, as allowed by law.

IX. Public Water Supply Issues and Plan Revisions

This Plan acknowledges that portions of this property are within areas protected as sources for the public water supply, which is administered by the Ipswich Water Department. If any authorized or unauthorized use of this property is ever found by the Water Department, or a superceding authority, to be adversely affecting the public water supply, then under the provisions of this Plan, appropriate action shall be taken by the Commission, with the advice of the Water Department, to correct the problem. This Plan acknowledges the fact that there are areas of the trail which run through the Zone A (of the Bull Brook Reservoir) on this parcel and if any use hereon should cause ascertainable adverse effects on the water supply due to any impact in the said Zone A area, the Plan will be reopened for consideration by the Commission of necessary Plan modifications in line with the environmental sensitivity of that area.

This Plan may otherwise or further be revised, modified, added-to, limited, changed or revoked in the future for any cause deemed necessary or advisable at that time by any simple majority of the Ipswich Conservation Commission, but in its sole discretion.

X. Incorporated Attachments:

GIS ortho photo plan titled Linebrook Woods Conservation Area, dated July, 2006 GIS ortho photo plan titled Linebrook Woods Conservation Area Regional Open Space Map, dated July 2006

Topographic and Vegetation Plan (from USGS quadrangle)

Town of Ipswich Regulations on the Use of Unimproved Lands (8/1/02)

Town of Ipswich Use of Town Land Regulations (11/01/79, amended 8/1/02)

Order of Conditions issued by Conservation Commission #36-851 (5/17/05), Bk 24777, pg 437 Superceding Order of Conditions issued by DEP/NERO #36-0851 (5/17/05), Bk 24777, pg 469 Marini Farm Trail Easement, December 2003

XI. Effective Date

This document takes effect as of the latest signature date of any signer below. That date shall be set forth on the cover sheet of this document, identifying the effective date thereon for future reference without perusing the document for the date. The words "Final Draft" on the cover page of this document shall be stricken from the page upon finalization of the effective date hereof.

XII. Signatories

Conservation Commission (Administrative Adoption Approval)

By: Chair, on behalf of the Conservation Commission,
David Standley; duly authorized by majority vote of the Commission taken on October, 4, 2006

Signature Date: October 10, 2006

Board of Selectmen (Concurrence Approval)
By: Jature M. M. Mally, Chair, on behalf of the Board of Selectmen Patrick McNally; duly authorized by majority vote of the Board taken on October 10, 2006
Signature Date: October 10, 2006
Concurrence Acknowledgement/Acceptance by Other Town Departments:
Department of Public Safety:
That D. Suntali, Director, duly authorized; Date: 10/19/06
Department of Public Utilities/Water Department:
Tim Herry, Director, duly authorized; Date: 10/19/06
Department of Public Works:
Director, duly authorized; Date: 10/24/06
Department of Parks and Cemeteries:
Director, duly authorized; Date: 10/30/06
Department of Planning and Development:
Director, duly authorized; Date: 10/16/06
Recreation Department:
DM (Orman), Director, duly authorized; Date: 10/13/06
Ipswich Bay Circuit Trail Committee:
Janvence Whit, Chairman, duly authorized; Date: 11/14/06